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September 28, 2007

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David R. Saliwanchik, Patent Attorney

ELECTION UNDER 35 USC § 121
Examining Group 1617
Patent Application
Docket No. BB-117

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Carlic K. Huynh
Art Unit : 1617
Applicants : Andreas Meisel *et al.*
Serial No. : 10/506,598
Filed : June 3, 2005
Conf. No. : 1867
For : Anti-infective agents and/or immunomodulators used for preventative
therapy following an acute cerebrovascular accident

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ELECTION UNDER 35 USC §121

Sir:

In response to the written restriction requirement dated September 4, 2007, the Applicants hereby elect to prosecute the Group I claims, *i.e.* claims 15-25, drawn to a method for preventive anti-infective therapy after acute stroke comprising administering a pharmaceutical composition comprising an anti-infective agent and/or an immunomodulating agent. The applicant further elects the species:

(1) Moxifloxacin as the anti-infective agent; and (2) IFN- γ as the immunomodulating agent.

The applicants appreciate that this election of species has been required for the purposes of facilitating the search and expediting prosecution. Accordingly, the applicants respectfully submit that, upon an indication of allowable subject matter, the scope of the claims should not be limited to the elected species.

The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

Respectfully submitted,



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